

Polytopics

Quarter 2 - 2009

In this issue:

Marketing Campaign..... 1

Annual Meeting Wrap Up...2

President's Msg.....3

Executive Director's Msg.....4

Marketing During
a Recession5

MOCA Use Survey5

Revised I-9 Form.....6

MSC Industrial Supply Co... 6

Recovery Act Enhances
Cobra.....7-8

Regulatory Ramblings.....9-11

2010 PMA Call for
Technical Papers 12

Regulatory Monitoring
Program..... 12

Basic Estate Planning 13

2009 Board of Directors..... 13

Caster Concepts, Inc.
Adopts Healthy Habits.... 14

PMA Member News..... 15

The Latest on PMA's Marketing Campaign

by Scheibel Halaska, PMA's marketing communications firm

cast polyurethane

Surprisingly Versatile

As part of our big marketing push in 2009, PMA is determined to make sure cast polyurethane doesn't get overlooked as an option for OEMs and product engineers. Witness the new "Surprisingly Versatile" campaign.

This marketing initiative is educating people about the many attributes of cast polyurethane, while simultaneously increasing positive visibility for our organization.

The Surprisingly Versatile marketing campaign continues to make positive strides. For example, Scheibel Halaska recently rolled out a new blog that can be viewed at www.surprisinglyversatile.com. The blog discusses the latest technology, practices and expertise in cast polyurethane.

To help make PMA's blog community successful, share your questions, comments and tips. Visit the blog and join the conversation today!

We're also looking to speak with members who are interested in participating in the public relations program. Participation is easy and helps gain recognition for the PMA and member companies.

Whether you have a case study, new product press release or an industry issue you'd like to address, we want know. In our public relations program, we offer story ideas to national trade publications, regional newspapers and seek out online media venues, which helps attract new members for the PMA and clients to the member companies.

And remember, as part of the new marketing program, the PMA also offers a variety of materials that can be used on sales calls and your Web sites. For example:

- A new brochure you can use to show prospects, giving them a quick comparison of polyurethane's attributes compared to plastic, metal and rubber.
- Print ads and web banner ads.
- A backgrounder on cast polyurethane.

All these materials can be requested by emailing info@pmahome.org. To participate in the public relations program, please contact Rachel Jennings at (414) 274-3010 or rjennings@insideSH.com.

Polyurethane Manufacturers Association (PMA)

6737 W. Washington St.
Suite 1300
Milwaukee, WI 53214
Ph: 414-431-3094
Fax: 414-276-7704
info@pmahome.org
www.pmahome.org



SPECIAL REPORT

Presented by the Employee Benefits Law Practice of Whyte Hirschboeck Dudek S. C.

WHD Employee Benefits Law Practice

Michael W. Taibleson,
Group Leader

Mark T. Garsombke

John B Tuffnell

Daniel S. Welytok

Eric E. Lenzen

Arthur T. Phillips

Barbara J. Zabawa

Paralegal

Teresa A. Noeske

Recovery Act Enhances COBRA Benefits to Laid-Off Employees

CHIPRA Adds New Special Enrollment Rights; Quick Employer Action Required

*By Barbara J. Zabawa and
Michael W. Taibleson*

New COBRA Rights

Many employers find themselves reducing their work force because of the struggling economy. The American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), signed into law on February 17, 2009, strengthens the safety net for those workers by, among other provisions, enhancing health coverage benefits. But, these benefits take effect almost immediately and do not last for very long, requiring employers to get the word out fast to employees.

The Recovery Act provides for a mandatory 65% premium subsidy for employees' COBRA coverage after enactment of the Recovery Act. This includes continuation coverage governed by state or federal law. The subsidized coverage will last up to nine months for eligible individuals. That means employees will only have to pay 35% of the premium cost of COBRA coverage, a program that is often cost-prohibitive for employees. Employers will pay the remaining 65% and will be reimbursed through a refund or credit of the employer's payroll tax.

The subsidy even applies to employees who were involuntarily terminated since September 1, 2008. However, the COBRA subsidy begins when the employee elects COBRA coverage, not when they lost their job. A former employee who elects COBRA now because it is subsidized, but declined the election before, will not be subject to any pre-existing exclusions, as the time

period between the qualifying event and the COBRA election will not be treated as a gap in coverage under HIPAA. In addition, the subsidy phases out for employees who earn more than \$125,000 (\$250,000 for joint return filers) in the year in which they elect coverage.

The Recovery Act imposes obligations on employees and employers, however, to ensure that the enhanced benefits are maximized. For example, employees who become eligible for coverage under another group plan

The American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), signed into law on February 17, 2009, strengthens the safety net for those workers by, among other provisions, enhancing health coverage benefits.

must notify the group health plan providing COBRA coverage of such eligibility or face a penalty of 110% of the premium subsidy paid by the federal government.

Employers must provide notice to employees of the enhanced COBRA benefits, as well as reports to the government, in order to obtain the reimbursement. The notice

Continued on next page

to employees must be provided when the employee becomes eligible for the COBRA subsidy coverage and must inform the employee of the subsidy and any alternate coverage that might be available through the group health plan. Employers have 60 days from enactment to provide notice to former employees who are eligible for the subsidy and did not elect COBRA initially. Once the employee receives the notice of the COBRA enrollment option, the employee has 90 days to decide whether to keep the same coverage the employee had when the qualifying event occurred or to elect different, lower-cost coverage options offered by the employer to active employees. However, employees may not elect to enroll in coverage that provides only dental, vision, counseling or referral services (or a combination thereof), or in flexible spending arrangements or coverage for services furnished in an on-site medical facility maintained by the employer that consists primarily of first-aid services, prevention and wellness, or other similar care.

Employers will also be required to file reports by deadlines to be determined by the Treasury Secretary that attest that each employee receiving the subsidy was involuntarily terminated

and disclose certain items related to the amount to be reimbursed to the employer.

The Recovery Act also provides additional COBRA benefits to

Employers will also be required to file reports by deadlines to be determined by the Treasury Secretary that attest that each employee receiving the subsidy was involuntarily terminated and disclose certain items related to the amount to be reimbursed to the employer.

employees affected by the Trade Adjustment Assistance program as well as employees who receive pension benefits from the Pension Benefit Guaranty Corporation.

Although the Department of Labor

will be creating model notices and conducting outreach to help employers and group plan administrators navigate the new rules, employers are encouraged to contact their legal counsel to receive personalized assistance in deciding which Recovery Act provisions affect them.

New Special Enrollment Rights

The Children's Health Insurance Program Reauthorization Act of 2009 requires group health plans to offer new special enrollment rights for employees or their dependents losing coverage under the State Children's Health Insurance Program or Medicaid or under certain other circumstances. These special enrollment rights must be offered by April 1, 2009. In addition to providing employees with notices of these rights, employers will be obligated to timely amend plans and summary plan descriptions to reflect these new rights.

For questions or concerns about the Recovery Act provisions discussed in this Special Report or any of the other provisions that affect employers, please contact Barbara Zabawa at (608) 234-6075 or zbabawa@whdlaw.com, Michael Taibleson at (414) 978-5514 or mtaibleson@whdlaw.com, or any member of the Employee Benefits Team.



Whyte Hirschboeck Dudek S.C.

Challenging. Redefining. Advancing.

www.whdlaw.com

Whyte Hirschboeck Dudek S.C. publications should not be construed as legal advice for any specific facts or circumstances. The contents are intended for general information purposes only and may not be quoted or referred to in any other publication or proceeding without the prior written consent of WHD. To request reprint permission for any of our publications, please contact the author directly. The mailing of this publication is not intended to create, nor does the receipt of it constitute, an attorney-client relationship.

Milwaukee Office • 555 East Wells Street
Suite 1900
Milwaukee, WI 53202-3819
414.273.2100

Madison Office • 33 East Main Street
Suite 300
Madison, WI 53703-4655
608.255.4440

Manitowoc Office • 4221 Michigan Avenue
P.O. Box 2225
Manitowoc, WI 54221-2225
920.683.3500